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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,246	07/30/2003	Michael W. Kiger	KIGEM.63162	9381
27629	7590	06/22/2005	EXAMINER	
FULWIDER PATTON LEE & UTECHT, LLP			GEHMAN, BRYON P	
200 OCEANGATE, SUITE 1550				
LONG BEACH, CA 90802			ART UNIT	PAPER NUMBER
			3728	
DATE MAILED: 06/22/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

CH

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/630,246	MICHAEL KIGER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Bryon P. Gehman	3728	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 30 July 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-32 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____.   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/30/03</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____.                                   |

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-26 and 31-32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, line 9, "an a" is indefinite grammatically.

In claims 4 and 5, line 2 of each, "the cover" lacks antecedent basis.

In claim 8, line 2, "the opening" lacks antecedent basis.

In claim 10, line 2, "the cushions cooperate form" does not make sense and "the rear" lacks antecedent basis.

In claim 20, lines 4-5, "respective forward extremities" lack antecedent basis. In line 7, "respective rear extremities" lack antecedent basis. See also claims 23, line 4 and claim 27, lines 3-4, 7 and 11 (twice). In lines 7 and 10, "such... surfaces" or "such ... cushions" is indefinite as to the meaning of "such", as the antecedent surfaces and cushions are not defined to provide for the meaning and scope of "such", as the surfaces and cushions are not distinguished in any particular way. See also claim 27, line 11. In line 11, "to from" does not make sense. In line 12, there between is misspelled.

In claim 31, line 2, "at least same" is indefinite.

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In claim 32, lines 2-3, "for use with....configuration" does not make sense as to what is intended to be claimed.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 28-30 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Mechanic (6,003,745). Claims 28-30 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Tepper (6,334,537). Each discloses a bag device including a compartment to receive a surfboard and multiple inflation chambers (34, 35; as shown in Figure 10; respectively) with a mouth (between 32 and 33; between 114 and 114; to receive a surfboard and at least one pressure valve (40, 41; receiving the pump line in Figure 9).

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1-2, 8-9, 11-20, 23-27 and 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mechanic (6,003,745) in view of Moreno (5,193,677).

Mechanic discloses an inflatable surfboard covering device comprising top and bottom surface cushions (34, 35) including cushion bladders and a valve (40 or 41). Moreno discloses an inflatable surfboard covering device including side rail cushions (4-6). To modify the device of Mechanic employing side rail cushions as disclosed by Moreno would have been obvious in order to protect the side surfaces of the surfboard, as suggested by Moreno.

7. Claims 3-5, 7 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claims 1, 2 and 20 above, and further in view of JP 6-144471.

JP 6-144471 discloses side cushion casings (3) complementary in shape to the side surfaces of the content and including partition walls (12, 13). To further modify the previous combination employing the side cushion structure of JP 6-144471 would have been obvious in order to more snuggly secure the content within the covering device.

8. Claims 6 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claims 5 and 20 above, and further in view of Tepper (6,334,537). Tepper discloses a passage means between adjacent cushions. To modify the combination further employing the passage means of Tepper would have been obvious in order to fill all cushions from a single source at a single time.

9. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 8 above, and further in view of Andrews (5,217,131). Andrews discloses hook and pile material serving as a releasable closure means. To modify the closure means of Mechanic employing a hook and pile closure as opposed to a zipper would have been obvious as a substitution of a simpler, less expensive known closure means.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Shown are inflatable covering devices.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryon P. Gehman whose telephone number is (571) 272-4555. The examiner can normally be reached on Monday through Wednesday from 5:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu, can be reached on (571) 272-4562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Bryon P. Gehman  
Primary Examiner  
Art Unit 3728

BPG